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ABSTRACT

Adversarial collective bargaining often leads to lingering resentments. Collaborative bargaining, conversely, is a problem-solving approach to contract negotiations based on common interests and mutual respect. It is estimated that at least 500 school districts nationwide incorporate major elements of the collaborative approach in their collective bargaining. Elements that help to foster cooperation are trust and respect for colleagues. For school districts to incorporate collaborative bargaining in their negotiations, they should: obtain information and resources about what others using this approach have done; attend courses or workshops; and establish joint committees to work on school problems. (TE)

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COLLABORATIVE BARGAINING IN EDUCATION

By Demetri Liontos

The unionization of teachers has had profound effect on American education. It has brought the strength of collective bargaining to teachers whose unions frequently and successfully challenge school districts in adversarial negotiations. Such confrontations, however, have led to win/lose outcomes, labor strikes, and lingering resentments.

Today, an increasing number of educators are looking for more cooperative or collaborative means of achieving satisfactory contract negotiations.

What is wrong with conventional bargaining methods?

One of the effects of teacher unionization is the way that teachers view themselves—as members of a collective with bargaining power. While many teachers would stop short of equating their teachers associations with factory or blue-collar unions, the tactics and language used are often similar. Historically, when unions gain power the tendency has been to use that power.

School boards, on the other hand, feel an obligation to protect management rights and uphold the public interest. The ensuing interaction can, therefore, often assume an adversarial tone at the bargaining table, each side protecting its "rights."

Although adversarial bargaining works in many instances, when it doesn't the confrontive dialogue used during negotiations can damage, often irreparably, the close relationships so vital to the educational process. In conventional bargaining the risks are high that posturing, hidden agendas, and inflammatory language will be used to score points in a win/lose outcome.

What can collaborative bargaining offer that adversarial bargaining can't?

Collaborative bargaining is built on the premise that both sides—the school board and teachers—*want* to cooperate to achieve a satisfactory contract settlement. That means participants must first collaborate to establish agreed-upon ground rules and to set time limits for negotiation. This early cooperation helps to set the tone for interaction at the bargaining table.

Typically, the collaborative approach focuses on ongoing problem-solving rather than dealing with a buildup of issues presented at the bargaining table. Joint committees are often established to deal with a variety of teacher-management concerns throughout the school year. This can help establish a track record of trust and a sense of "pitching in" to solve mutual problems.

The cooperative environment required by collaborative bargaining, therefore, pays off in dividends of greater mutual respect for colleagues and closer teacher involvement in issues central to the schools.

How prevalent is this form of bargaining in the schools?

Currently, thirty-eight of the fifty states allow teachers to bargain collectively. Where such bargaining is permitted, the vast majority of districts continue to employ conventional or adversarial bargaining methods.

Nevertheless, the acrimony generated by the adversarial approach have led an increasing number of school districts to incorporate trust, problem-solving, and cooperation into their bargaining procedures. Because collaborative bargaining includes a range of practices, not all of which must be present for a district's bargaining to qualify as collaborative, categorization of districts is difficult. The ERIC Clearinghouse on Educational Management estimates that at least 500 districts nationwide incorporate major elements of the collaborative approach.

What elements help to foster cooperation in bargaining?

Most educators would agree that trust and respect for colleagues are the cornerstones in

building a cooperative environment. Establishing trust, while no easy matter, can often be achieved through professional and social functions involving school board members, the superintendent, other administrators, and the faculty. As personal relationships develop and the "fear factor" is eliminated, a sound foundation for mutual respect and trust can gradually take shape. The basis of a cooperative bargaining approach has been built.

In any negotiating process lines of communication must be kept open between both parties and within each. Negotiation, after all, is a process of interacting for the sake of reaching a satisfactory agreement. Members of each side must be informed of developments (or lack of them) at the bargaining table. Keeping such information flowing reduces the possibility of misunderstandings and can help speed up negotiations.

Being willing to alter demands, writing trust agreements and memoranda of understanding, and selecting respected, credible members on negotiating teams all contribute to the cooperative spirit that is at the root of collaborative bargaining.

How can school districts incorporate aspects of collaborative bargaining in their negotiations?

The starting point is to obtain as much information and as many resources as possible about what others have experienced using this approach. A number of models exist that offer guidelines for action before, during, and after bargaining.

After an evaluation period comes a training phase in which negotiating team members attend courses or workshops to build skills in communication and problem-solving. A trial period follows with the establishment of joint committees to identify and work on ongoing school problems. A clear understanding of the grievance process is essential to working cooperatively on routine concerns and prepares staff negotiators for major bargaining sessions.

Once the collaborative process is in place, it is important to develop a long-term commitment to resolving grievances and school problems as they occur rather than allowing a buildup that invariably bogs down negotiations at contract time.

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